IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.2513 OF 2005

Vd. P.P. Palekar & Ors. ...Petitioners.
Vs.
State of Maharashtra & Ors. ...Respondents.
....
Mr. S.C. Naidu i/b. M/s. C.R. Naidu & Co. for the Petitioners.
Mr. R. D. Rane, Additional Govt. Pleader, for Respondent No.1.
Mr.R. A. Rodrigues for Respondent Nos.2 to 5.
.....

CORAM : DALVEER BHANDARI, C.J. &
DR.D.Y.CHANDRACHUD, J.

April 21, 2005.

P.C.:

The petitioners have challenged the notification dated 23rd March 2005 issued by the Medical Education and Drugs Department. Admittedly, the Petitioners' term of five year has expired. It is mentioned in the notification that it appears to Government on taking into consideration the complaints received, it is not desirable to continue the Petitioner for any further period after the expiry of the term of five years. It is also incorporated in the notification that in view of the provision of Section 5(6) and in exercise of the powers conferred by Section 32(1) of the Maharashtra Medical Practitioners' Act, 1961, the Government has decided not to grant extension to the Petitioner for further period

from the date of issue of this notification and appointed an Administrative Board to exercise all the powers and perform all the duties of the Council for a period of one year. The Board consisting of the Chairman and two members, Dr.Chandrakant G. Kolte, Dr.Shaikh Mohammed Arshad, and the Registrar, Maharashtra Council of Indian Medicine, Mumbai, has been constituted.

2. We do not find any infirmity in the impugned notification. However, in the facts and circumstances of the case, we deem it appropriate to direct the respondents to hold the election as expeditiously as possible, and in any event, within four months from today.

3. No further directions are necessary. This petition is accordingly disposed of.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD, J.